

7-8 Inspections and Information Gathering (1200 TN 350 7-8)**1. AUTHORITY.** Pursuant to the Clean Air Act (CAA), including Sections 114 and 307:

- a. To enter, upon or through, the premises of any person who owns or operates an emission source, who manufactures emission control equipment or process equipment, who the Administrator believes may have information necessary for the purposes set forth in CAA Section 114, or who is subject to any requirements of the CAA; and to enter premises where records required to be maintained under the CAA are located;
- b. To have access, at reasonable times, to inspect and copy any records and inspect monitoring equipment or methods, which are required under the CAA; and to sample any emissions, which are required to be sampled under the CAA;
- c. To require enhanced monitoring and submission of compliance certifications by any owner or operator of a major stationary source or any other person;
- d. To give notice to the States of inspections; and determine if such notices are not required;
- e. To require the owner or operator of any emission source, or a person who manufactures emission control equipment or process equipment, or any person who the Administrator believes may have information necessary for the purposes set forth in CAA Section 114, or any person subject to any requirement of the CAA to: establish and maintain records; make reports; install, use, and maintain monitoring equipment and use audit procedures or methods; sample emissions; keep records on control equipment parameters, production variables, or other indirect data when direct monitoring of emissions is impractical; and provide other information as the Administrator may reasonably require;
- f. To obtain and execute warrants for the purpose of performing inspections or information gathering;
- g. To carry out any other inspection and information gathering activities authorized by the CAA;
- h. To require the carrying out of any other inspection and information gathering activities authorized by the CAA;
- i. To issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and administer oaths and in case of contumacy or refusal to obey such a served subpoena to request the issuance of an order requiring persons to appear and give testimony, to appear and/or produce papers, books, and documents before the Administrator; and
- j. To designate representatives of the Administrator to perform the functions contained in paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, 1.g, 1.h, and 1.i.

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2. TO WHOM DELEGATED. Director, Air and Radiation Division (ARD); and the Director, Enforcement and Compliance Assurance Division (ECAD).

3. LIMITATIONS.

- a. The delegatee must consult with the Regional Counsel (RC) prior to requesting warrants or issuing subpoenas.

4. REDELEGATION AUTHORITY.

- a. The authority in 1.a, 1.b, 1.d., 1.f, 1.g and 1.i. may be redelegated to the staff level and give notice.
- b. The authority in 1.c., 1.e, 1.h and 1.j. may be redelegated to the section chief level, and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
- d. These authorities may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

- a. Sections 114(a) and (d) and 307(a) of the CAA.
- b. U.S. Environmental Protection Agency Order 3510, "EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities."

6. SUPERSESSION. Delegations Manual, CAA, Regional Delegation 7-8. Inspections and Information Gathering, 1200 TN RIII 192, (January 18, 2017).

Date: APR 15 2019


Cosmo Servidio
Regional Administrator